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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,024	12/29/2000	G. Ian Rowlandson	31-CD-5525	7714
44702	7590	07/15/2005	EXAMINER	
OSTRAGER CHONG FLAHERTY & BROITMAN PC 250 PARK AVENUE, SUITE 825 NEW YORK, NY 10177			MANUEL, GEORGE C	
			ART UNIT	PAPER NUMBER
			3762	

DATE MAILED: 07/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/751,024

Applicant(s)

ROWLANDSON, G. IAN

Examiner

George Manuel

Art Unit

3762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-11, 16-22 and 25-29 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 12-15, 23 and 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 7, 9, 10, 12, 16, 17, 18, 20, 22, 25 and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Selvester et al '048.

Selvester et al disclose collecting data comprising ECG-related data and producing an ECG interpretation based on a marked pictorial display of a selected heart condition existing at a time T_1 . Another pictorial display of the heart at time T_2 may be marked with a related selected heart condition. See col. 3, line 66 to col. 4, line 23.

One of ordinary skill in the art would have found it obvious to detect the patient belongs to a category of patients comprising patients identified to have a high probability of acute myocardial infarction and generate a diagnostic statement stating that a new bundle branch block may be due to acute myocardial infarction because

Art Unit: 3762

Selvester et al teach differences in the displays of conditions at times T_1 and T_2 offer a predictive interpretation and line 38 conveys information to block 32 regarding one of nine different categories of heart-conduction defects (one of which is disclosed as right bundle branch block).

The examiner is interpreting sub-line 38b to comprise tagging the electrocardiogram record with a tag indicating there is a right bundle branch block and sub-line 38g to comprise tagging the electrocardiogram record with a tag indication there is a left bundle branch block.

Regarding claims 28 and 29, one of ordinary skill in the art would have found it obvious to treat the patient with a thrombolytic therapy upon an indication of an acute myocardial infarction because Selvester et al teach it is possible to use the system and method disclosed in a serial-comparison mode of operation, wherein the kinds of activities that are predictive precursors to the onset of an acute myocardial infarct can be detected, pictured and relied upon to initiate preemptive medical intervention.

Claims 3, 8, 11, 19, 21 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Selvester et al '048 in view of Walling '008.

Selvester et al meet all of the claimed limitations as shown above except for a satellite system connected to a network for tagging the electrocardiogram record.

Walling teaches transmitting medical related images from mobile units to a central headquarters and then sending back diagnostic analysis from the central

Art Unit: 3762

headquarters to the mobile units.


One of ordinary skill in the art would have found it obvious to use the teaching of Walling with the system of Selvester et al to interface system 20 of Selvester et al with the satellite 12 of Walling to network the tagging of the electrocardiogram record because line 68 of Selvester et al is view able as an input zone structure and satellite 12 of Walling transmits similar input structured signals form dish 34 to dish 36.

Allowable Subject Matter

Claims 5, 6, 13, 14, 15, 23, 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Manuel whose telephone number is (571) 272-4952.


George Manuel
Primary Examiner
Art Unit: 3762

7/14/05